

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES RZEPLINSKI,

Plaintiff,

v.

TAMMY MAASSEN, ET AL.,

Defendants.

ORDER

Case No. 14-cv-820-jdp

Plaintiff James Rzeplinski, a prisoner in the custody of the Wisconsin Department of Corrections, has filed a proposed civil complaint, but has neither paid the \$400 filing fee nor requested leave to proceed without prepayment of the filing fee. However, plaintiff did submit a check in the amount of \$350, which was returned because the fee for filing a civil complaint is \$400. For this case to proceed, plaintiff must pay the \$400 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee so the court can determine whether plaintiff qualifies for indigent status.

A motion for leave to proceed without prepayment of the filing fee must be accompanied by a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that plaintiff James Rzeplinski may have until December 23, 2014 to submit the \$400 filing fee or a motion for leave to proceed without prepayment and a trust fund account statement for the period beginning approximately May 14, 2014 and ending approximately November 14, 2014. If, by December 23, 2014, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 1st day of December, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge